

# **Equality impact assessment form**

**Directorate - Corporate Resources**

**Service area - Equality and Diversity**

**Name of policy, strategy, review or function being assessed- Tackling Bullying, Harassment and Victimisation Policy**

**Date of assessment- 5 December 2019**

**Name of Director/Head of Service signing it off  
Ann Webster – Lead on Equality and Diversity  
Decision of Cabinet, Personnel Committee or Chief  
Officer Group**

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## **Equality impact assessment – please read this section first before you do the assessment**

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender identity
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or

positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website.** It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

### **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments
- Gender identity – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers

- Race equality – the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

### **Contact for help**

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

### **The form**

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt – it’s better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

**What's the name of the policy you are assessing?**

**Tackling Bullying, Harassment and Victimisation Policy**

**The assessment team**

Team leader's name and job title – Ann Webster – Lead on Equality and Diversity

Other team members

<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Liz Moore	Head of HR	Derby City Council	HR issues
Adele Ashmore	HR Lead Policy and Strategy	Derby City Council	HR Issues

### **Step 1 – setting the scene**

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

- 1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

This Equality Impact Assessment is on our refreshed Tackling Bullying, Harassment and Victimisation Policy. The Policy forms part of a suite of policies around equality, diversity and inclusion. The other policies are our Equality, Dignity and Respect Policy, Accessible Communications Protocol and our Tackling Hate Crime Together Protocol. Equality, diversity and inclusion remain at the heart of all Council policies and plans.

Our values of **we care, great people one team, we are bold, and we are strong**, complement the Policy.

**2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

All colleagues are affected by this policy and each Directorate needs to deliver it. We have consulted with our three Equality Employee Networks and our Race Equality Hub. We have also consulted with the Unions through our Policy Working Group and included their comments in the policy.

We have also produced a set of guidelines to support the policy implementation and will be designing a communication plan to make sure all our colleagues, councillors and contractors are aware of how seriously we take bullying and harassment.

**3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

All Council colleagues, councillors and contractors. The policy also contains a commitment to protecting our colleagues against bullying and harassment from our customers.

## **Step 2 – collecting information and assessing impact**

- 4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

We have consulted our three Equality Employee Networks and our Race Equality Hub as well as the Unions through our Policy Group – we have included all comments into this final draft of the policy.

The policy is available on request in a range of languages and in accessible formats for our disabled colleagues and councillors.

Our latest Soapbox Survey found that 72% of our colleagues agreed that they felt the Council takes diversity and inclusion seriously and were able to report any issues that were of concern to them. Once this policy is publicised widely and training has started then this figure will hopefully get even higher.



**5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

**Age**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
<p>A study in October 2019 completed by the Young Women's Trust found that one in four young women are scared they will be sacked if they report sexual harassment. The TUC also completed a study finding that some two thirds of young women had experienced harassment at work and one in three said they did not know how to report harassment. Anxieties about being sacked were 30% higher for minority ethnic women and 37% higher for young disabled women.</p> <p>80% of respondents said they had been treated less positively by their employers because they had refused unwanted sexual advances, while 5% said they had to</p>	<p>Yes</p>		

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
<p>leave their job due to sexual harassment, assault or abuse.</p> <p>These statistics show how important it is to have a robust anti bullying and harassment policy in place that is well known and used and action is taken against the bullies.</p>			

### **Disability**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
<p>Scope did a poll in 2017 asking disabled people about work experiences – it found a massive 53% of disabled people have experienced bullying or harassment at work, 21 % had been bullied by colleagues and 27% from their employer. One in five (21%) go as far as not disclosing their impairment to employers, while 1 in 8 (13%) felt they had been overlooked for promotion</p> <p>These statistics show how important it is to have a robust anti bullying and harassment policy in place that is well</p>	Yes		

What do you already know?	Positive impact	Negative impact	Mitigation
known and used and action is taken against the bullies.			

### Gender identity- trans

What do you already know?	Positive impact	Negative impact	Mitigation
<p>A Stonewall report LGBT in Britain: Work Report 2018 found that almost 18% of LGBT people had been the target of negative comments or conduct from work colleagues in the previous year because they are LGBT. The study found:</p> <ul style="list-style-type: none"> <li>• 12% of trans people had been physically attacked by customers or colleagues in the previous year because of being trans</li> <li>• 10 % of black, Asian and minority ethnic LGBT staff had similarly been physically attacked in the previous year because of their sexual orientation and/gender identity compared to 3% of white staff</li> </ul>	Yes		

What do you already know?	Positive impact	Negative impact	Mitigation
<ul style="list-style-type: none"> <li>• one in 5 trans people do not feel able to wear work clothes representing their gender expression</li> <li>• one in 5 trans people (21%) would not report transphobic bullying in the workplace.</li> </ul> <p>These statistics show how important it is to have a robust anti bullying and harassment policy in place that is well known and used and action is taken against the bullies.</p>			

### Marriage and Civil Partnership

What do you already know?	Positive impact	Negative impact	Mitigation
<p>We know that people in civil partnerships often face harassment by being excluded from work place conversations about family and weekends.</p> <p>Again, more reasons why we need robust anti bullying and harassment policy</p>	Yes		

## Pregnancy and maternity

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The Equality and Human Rights Commission commissioned a programme of research to investigate the prevalence and nature of pregnancy discrimination and disadvantage in the workplace. One in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and/or colleagues – if this was scaled to the general population this could mean as many as 100,000 mothers a year.</p> <p>These statistics show how important it is to have a robust anti bullying and harassment policy in place that is well known and used and action is taken against the bullies.</p>	Yes		

## Race

What do you already know?	Positive impact	Negative impact	Mitigation
The 2019 Race at Work report found that one in four black, Asian, minority ethnic	Yes		

<p>employees in the UK report experiencing bullying and harassment.</p> <p>Shockingly only 45% of employers have completed reviews into bullying and harassment in their workplace.</p> <p>These statistics show how important it is to have a robust anti bullying and harassment policy in place that is well known and used and action is taken against the bullies.</p>			
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**Religion or belief or none**

<b>What do you already know?</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Mitigation</b>
<p>We know from media reports and articles from the Equality and Human Rights Commission that National and International happenings, such as terrorism can cause harassment and bullying for people because of their particular religion or belief.</p> <p>The Council has signed up to the</p>	<p>Yes</p>		

International Holocaust Remembrance Alliance working definition of antisemitism and this is included in our Tackling Bullying, Harassment and Victimisation Policy.			
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### Sex

What do you already know?	Positive impact	Negative impact	Mitigation
<p>There has been huge media coverage about the extent of sexual harassment at work in the last couple of years – we issued a public statement to the media about our commitment to tackling sexual harassment at work and also sent clear messages to our colleagues that there was no place for bullies at Derby City Council.</p> <p>The Government are currently analysing a consultation they did on sexual harassment at work and we are waiting for the results</p>	Yes		

### Sexual orientation

What do you already know?	Positive impact	Negative impact	Mitigation
<p>A Stonewall report LGBT in Britain: Work Report 2018 found that almost 18% of LGBT people had been the target of negative comments or conduct from work colleagues in the previous year because they are LGBT.</p> <p>The study also found that:</p> <ul style="list-style-type: none"> <li>• 10 % of black, Asian and minority ethnic LGBT staff had similarly been physically attacked in the previous year because of their sexual orientation and/gender identity compared to 3% of white staff</li> <li>• almost two in five bi people (38%) are not out to anyone at work about their sexual orientation</li> <li>• more than a third of LGBT staff</li> </ul>	Yes		



What do you already know?	Positive impact	Negative impact	Mitigation
<p>had hidden or disguised that they are LGBT at work because they were afraid of discrimination</p> <ul style="list-style-type: none"> <li>• one in 8 lesbian, gay and bi people (12%) would not feel confident reporting any homophobic or bi phobic bullying to their employer</li> <li>• almost a third of non- binary people (31%) to not feel able to wear work attire representing their gender expression.</li> </ul> <p>Again, these statistics show how important it is to have a robust anti bullying and harassment policy in place that is well known and used and action is taken against the bullies.</p>			

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

The policy itself has been designed to combat bullying, harassment and victimisation and so is meant to be positive impact on equality and diversity at the Council and so there are no negative impacts of the policy itself.

**Step 3 – deciding on the outcome**

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>	<b>1</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that

		the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<p><b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are:</p> <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

We agreed outcome number 1

Why did you come to this decision?

We came to this decision because we consulted widely with equality groups and included what they wanted in the policy.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

**Step 4 – equality action plan – setting targets and monitoring**

**8 Fill in this table with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

**Equality Action Plan –setting targets and monitoring**

**Age**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

**Disability**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy and the communication needs to be accessible to disabled	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying,	Strategic HR and Equality and Diversity	Colleague feedback

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
people	harassment and victimisation		

### **Gender identity - trans**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

### **Marriage and Civil Partnership**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

### **Pregnancy and maternity**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

## **Race**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

## **Religion or belief or none**

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

## Sex

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

## Sexual orientation

<b>What are we going to do to advance equality</b>	<b>What difference will it make</b>	<b>When will we do it and who will lead</b>	<b>Monitoring arrangements</b>
We need to design a major communication and training plan to accompany the policy	It will make sure all our colleagues, councillors and contractors know that we are very serious about bullying, harassment and victimisation	Strategic HR and Equality and Diversity	Colleague feedback

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

Tel. tekstowy: 01332 640666

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

### Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council

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www.derby.gov.uk